

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Fredrick M. Pearson,

Plaintiff,

v.

Warden David Dunlap; Associate Warden
Stonebreaker; Lieutenant BenJerman Davis;
Lieutenant B. Gustyn; Sergeant D. Danley;
Sergeant Christopher Hunt; Defendant Eury,

Defendants.

C/A No. 0:18-610-AMQ-PJG

ORDER

Plaintiff Fredrick M. Pearson, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights. On May 22, 2018, Defendants Danley, Davis, Dunlap, Gustyn, Hunt, and Stonebreaker filed a motion to dismiss Plaintiff's third cause of action (ECF No. 22); on June 1, 2018, Defendant Eury¹ filed a motion to dismiss Plaintiff's third cause of action (ECF No. 34); and on July 6, 2018, a motion for summary judgment on behalf of all defendants was filed (ECF No. 57). As the plaintiff is proceeding *pro se*, the court entered orders pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) following the filing of each of these motions, on May 23, 2018; June 1, 2018; and July 9, 2018, advising the plaintiff of the importance of motions to dismiss and for summary judgment and of the need for him to file an adequate response. (ECF Nos. 25, 38, & 59.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants motions may be granted, thereby ending his case.

¹ When Pearson originally filed this action he identified this defendant as Defendant "Yuri"; however, he has since amended his Complaint to correct the spelling of this defendant's name to "Eury." (ECF No. 43.)

Notwithstanding the specific warning and instructions set forth in each of the court's Roseboro orders, the plaintiff has failed to respond to any of the motions. As such, it appears to the court that he does not oppose any of the motions and wishes to abandon this action.

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' motions within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

August 16, 2018
Columbia, South Carolina